

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

04 11615 NMG

Joseph A. Kinsella, as Administrator and
personal representative of the Estate of
Katherine Kinsella, and Joseph A. Kinsella,
individually and on behalf of all distributees of
Katherine Kinsella, deceased,

Plaintiffs

v.

Wyman Charter Corp., Michael P. Wyman,
Joseph Jay Shore, Cord Mitchell Shore,
Caralyn Shore, Toad Hall Corp., Ian
McColgin, the Motor Vessel "Sea Genie II,"
her engines, tackle and appurtenances, in rem,
the Sailing Vessel "Granuaile," her engines,
tackle and appurtenances, in rem,

Defendants.

Civil Action No.:

COMPLAINT & JURY DEMAND

PLAINTIFFS DEMAND TRIAL BY JURY

ON AFFIDAVIT RECEIVED 57417
AMOUNT \$150
SUMMONS ISSUED yes
LOCAL RULE 4.1 yes
WAIVER FORM yes
MCF ISSUED yes
BY DPTY. CLK. row
DATE 7/20/04

Plaintiff, Joseph A. Kinsella, as Administrator and personal representative of the
Estate of Katherine Kinsella, and Joseph A. Kinsella, individually and on behalf of all
distributees of Katherine Kinsella, deceased, by their attorneys, Mintz, Levin, Cohn, Ferris,
Glovsky and Popeo, P.C. and Friedman & James LLP, allege as follows:

Nature of Action:

1. This action seeks recovery for maritime personal injuries and wrongful
death as a result of the tragic death of Katherine Kinsella on or about July 22-23, 2001 while a
passenger on board the Motor Vessel "Sea Genie II" subsequent to its collision with the Sailing
Vessel "Granuaile" within the territorial waters of the Commonwealth of Massachusetts.

Jurisdiction and Venue:

2. This Court has jurisdiction pursuant to 28 U.S.C. § 1332 in that the claims asserted herein are between citizens of different states and the amount in controversy, exclusive of interest and costs, exceeds the sum or value of \$75,000.

3. This Court also has jurisdiction pursuant to the admiralty and maritime jurisdiction of the United States pursuant to 28 U.S.C. § 1333.

4. Venue is proper in this District pursuant to 28 U.S.C. §1391(a) in that a substantial part of the events giving rise to the claim occurred in this District.

The Parties:

5. Plaintiffs' decedent, Katherine Kinsella, was at all relevant times a citizen of the Republic of Ireland.

6. Joseph A. Kinsella, as Administrator and personal representative of the Estate of Katherine Kinsella and Joseph A. Kinsella, individually and on behalf of all distributees, was and still is a citizen and resident of the Republic of Ireland along with all distributees.

7. Defendant Wyman Charter Corp. was and still is a corporation organized under and existing pursuant to the laws of the Commonwealth of Massachusetts with its office and principal place of business located 66 Channel Point Road, Hyannis, Massachusetts.

8. Defendant Michael P. Wyman was and still is an individual citizen and resident of the Commonwealth of Massachusetts.

9. Defendant Joseph Jay Shore was and still is an individual citizen and resident of the Commonwealth of Massachusetts.

10. Defendant Cord Mitchell Shore was and still is an individual citizen and resident of the Commonwealth of Massachusetts.

11. Defendant Caralyn Shore was and still is an individual citizen and resident of the Commonwealth of Massachusetts.

12. Defendant Toad Hall Corp. was and still is a corporation organized under and existing pursuant to the laws of the Commonwealth of Massachusetts with its office and principal place of business located at 316 Sea Street, Hyannis, Massachusetts.

13. Defendant Ian McColgin was and still is an individual citizen and resident of the Commonwealth of Massachusetts.

14. The Motor Vessel "Sea Genie II" was and still is a United States flagged vessel having an overall registered length of 58' and is now or will be during the pendency of this action within this district and within the jurisdiction of this Court.

15. The Sailing Vessel "Granuaile" was and still is a United States flagged vessel having an overall length of 55' and is now or will be during the pendency of this action within the jurisdiction of this Court.

Allegations Common to All Causes of Action:

16. At all relevant times, defendant Wyman Charter Corp. owned the Motor Vessel "Sea Genie II."

17. At all relevant times, defendant Michael P. Wyman owned the Motor Vessel "Sea Genie II."

18. At all relevant times, defendant Joseph Jay Shore was the owner and/or owner pro hac vice of the Motor Vessel "Sea Genie II."

19. At all relevant times, defendant Cord Mitchell Shore was the owner and/or owner pro hac vice of the Motor Vessel "Sea Genie II."

20. At all relevant times, defendant Caralyn Shore was the owner and/or owner pro hac vice of the Motor Vessel "Sea Genie II."

21. At all relevant times, defendant Toad Hall Corp. was the owner and/or owner pro hac vice of the Motor Vessel "Sea Genie II."

22. At all relevant times, defendant Wyman Charter Corp. operated the Motor Vessel "Sea Genie II."

23. At all relevant times, defendant Michael P. Wyman operated the Motor Vessel "Sea Genie II."

24. At all relevant times, defendant Joseph Jay Shore operated the Motor Vessel "Sea Genie II."

25. At all relevant times, defendant Cord Mitchell Shore operated the Motor Vessel "Sea Genie II."

26. At all relevant times, defendant Caralyn Shore operated the Motor Vessel "Sea Genie II."

27. At all relevant times, defendant Toad Hall Corp. operated the Motor Vessel "Sea Genie II."

28. At all relevant times, defendant Wyman Charter Corp. controlled the Motor Vessel "Sea Genie II."

29. At all relevant times, defendant Michael P. Wyman controlled the Motor Vessel "Sea Genie II."

30. At all relevant times, defendant Joseph Jay Shore controlled the Motor Vessel "Sea Genie II."

31. At all relevant times, defendant Cord Mitchell Shore controlled the Motor Vessel "Sea Genie II."

32. At all relevant times, defendant Caralyn Shore controlled the Motor Vessel "Sea Genie II."

33. At all relevant times, defendant Toad Hall Corp. controlled the Motor Vessel "Sea Genie II."

34. At all relevant times, defendant Wyman Charter Corp. managed the Motor Vessel "Sea Genie II."

35. At all relevant times, defendant Michael P. Wyman managed the Motor Vessel "Sea Genie II."

36. At all relevant times, defendant Joseph Jay Shore managed the Motor Vessel "Sea Genie II."

37. At all relevant times, defendant Cord Mitchell Shore managed the Motor Vessel "Sea Genie II."

38. At all relevant times, defendant Caralyn Shore managed the Motor Vessel "Sea Genie II."

39. At all relevant times, defendant Toad Hall Corp. managed the Motor Vessel "Sea Genie II."

40. At all relevant times, defendant Joseph Jay Shore chartered the Motor Vessel "Sea Genie II" from defendant(s) Wyman Charter Corp. and/or Michael P. Wyman.

41. At all relevant times, defendant Cord Mitchell Shore chartered the Motor Vessel "Sea Genie II" from defendant(s) Wyman Charter Corp. and/or Michael P. Wyman.

42. At all relevant times, defendant Caralyn Shore chartered the Motor Vessel "Sea Genie II" from defendant(s) Wyman Charter Corp. and/or Michael P. Wyman.

43. At all relevant times, defendant Toad Hall Corp. chartered the Motor Vessel "Sea Genie II" from defendant(s) Wyman Charter Corp. and/or Michael P. Wyman.

44. At all relevant times, defendant Ian McColgin owned, operated, managed and/or controlled the Sailing Vessel "Granuaile."

45. On or about July 22, 2001, plaintiff's decedent, Katherine Kinsella, boarded the Motor Vessel "Sea Genie II" as a passenger within the Commonwealth of Massachusetts.

46. On or about July 22, 2001, the Motor Vessel "Sea Genie II" was caused to collide with the Sailing Vessel "Granuaile" at or about Hyannis Harbor within the territorial waters of the Commonwealth of Massachusetts, causing damage to the Motor Vessel "Sea Genie II."

47. As a result of the collision as aforesaid, the damages sustained, and the ensuing maneuvering by the Motor Vessel "Sea Genie II," plaintiff's decedent Katherine Kinsella was caused to fall overboard from the Motor Vessel "Sea Genie II."

48. As a result thereof, plaintiff's decedent Katherine Kinsella was caused to sustain severe personal injuries and endure prolonged pain and suffering, ultimately resulting in her death by drowning within the territorial waters of the Commonwealth of Massachusetts.

FIRST CAUSE OF ACTION

(negligence against Wyman Charter Corp., Michael P. Wyman, Joseph Jay Shore, Cord Mitchell Shore, Caralyn Shore, Toad Hall Corp. and/or Motor Vessel "Sea Genie II," in rem)

49. Plaintiffs repeat each and every allegation contained in paragraphs 1 through 48 with the same force and effect as if set forth at length herein.

50. The injuries to and ensuing death of the plaintiffs' decedent Katherine Kinsella were caused as a direct and proximate result of the breach and violation of the duty of care owed to plaintiffs' decedent by defendants Wyman Charter Corp., Michael P. Wyman, Joseph Jay Shore, Cord Mitchell Shore, Caralyn Shore, Toad Hall Corp. and/or Motor Vessel "Sea Genie II," their agents and/or employees by, among other things, allowing and/or permitting the number of passengers on board to exceed the vessel's licensed capacity and providing fewer than adequate life preservers or other rescue and safety devices; failing to properly man, maintain, monitor and navigate the Motor Vessel "Sea Genie II," thereby allowing said vessel to collide with the Sailing Vessel "Granuaile;" failing to maintain a proper lookout; failing to promptly repair and warn passengers of damage to the Motor Vessel "Sea Genie II" after the collision as aforesaid; failing to conduct a proper and timely search and rescue operation upon becoming aware that plaintiffs' decedent was missing and hearing decedent's futile cries for help; failing to notify in a proper and timely manner Coast Guard and/or other rescue personnel who could have saved plaintiffs' decedent from her untimely demise; allowing the unauthorized and unlawful sale and consumption of alcohol to minors on board the Motor Vessel "Sea Genie II;" and such other and further acts of negligence to be proven at trial, all without any fault of plaintiffs' decedent.

51. As a result of the foregoing, plaintiffs have sustained damages, including but not limited to (a) the terror and agonizing physical, mental and emotional pain and suffering

and fear of impending death experienced by Katherine Kinsella prior to her death by drowning; (b) the loss to her surviving parents and siblings of the reasonable expectation of pecuniary benefits and support that would have resulted from the continued life of the decedent; (c) funeral, rescue, medical and repatriation expenses; (d) loss of services of sister and daughter; (e) loss of estate of the decedent accumulated reasonably from the continued life of the decedent; (f) loss of society, including, but not limited to, loss of love, companionship, attention, care, comfort and affection; (g) interest from the date of death; and (h) other damages, including punitive damages, permitted by all applicable laws.

SECOND CAUSE OF ACTION
(negligence against Ian McColgin and the Sailing Vessel "Granuaile," in rem

52. Plaintiffs repeat each and every allegation contained in paragraphs 1 through 48 with the same force and effect as if set forth at length herein.

53. The injuries to and ensuing death of the plaintiffs' decedent Katherine Kinsella were caused as a direct and proximate result of the breach and violation of the duty of care owed by defendant Ian McColgin and the Sailing Vessel "Granuaile" by, among other things, failing to properly mark the Sailing Vessel "Granuaile," at anchorage at or about Hyannis Harbor; failing to properly moor the Sailing Vessel "Granuaile;" and such other, further and different acts of negligence to be proven at trial, all without any fault of plaintiffs' decedent.

53. As a result of the foregoing, plaintiffs have sustained damages, including but not limited to (a) the terror and agonizing physical, mental and emotional pain and suffering and fear of impending death experienced by Katherine Kinsella prior to her death by drowning; (b) the loss to her surviving parents and siblings of the reasonable expectation of pecuniary benefits and support that would have resulted from the continued life of the decedent; (c) funeral,

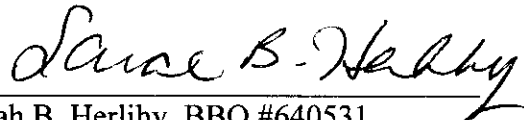
rescue, medical and repatriation expenses; (d) loss of services of sister and daughter; (e) loss of estate of the decedent accumulated reasonably from the continued life of the decedent; (f) loss of society, including, but not limited to, loss of love, companionship, attention, care, comfort and affection; (g) interest from the date of death; and (h) other damages, including punitive damages, permitted by all applicable laws.

WHEREFORE, plaintiffs Joseph A. Kinsella, as Administrator and personal representative of the Estate of Katherine Kinsella, and Joseph A. Kinsella, individually and on behalf of all distributees of Katherine Kinsella, demands judgment against defendants, or any of them, for damages in an amount to be determined by a jury, along with punitive damages in an amount to be determined by a jury, together with interest and the costs and disbursements of maintaining this action, along with such other and further relief as the Court deems just and proper.

Dated: July __, 2004

Joseph A. Kinsella, as Administrator and personal representative of the Estate of Katherine Kinsella, and Joseph A. Kinsella, individually and on behalf of all distributees of Katherine Kinsella,

By their attorneys,



Sarah B. Herlihy, BBO #640531

Mintz, Levin, Cohn, Ferris,

Glovsky and Popeo, P.C.

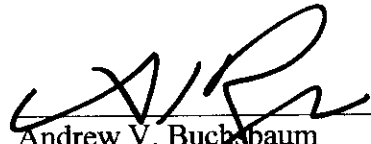
One Financial Center

Boston, MA 02111

(617) 542-6000

(617) 542-2241 (facsimile)

Of Counsel, and



Andrew V. Buchsbaum
Friedman & James LLP
132 Nassau Street
New York, NY 10038
(212) 233-9385
(212) 619-2340 (facsimile)

JS 44 (Rev. 3/99)

CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

Joseph A. Kinsella, as Administrator and personal representative of the Estate of Katherine Kinsella, and Joseph A. Kinsella, individually and on behalf of all distributees of Katherine Kinsella, deceased

(b) County of Residence of First Listed Plaintiff Foreign - Ireland
(EXCEPT IN U.S. PLAINTIFF CASES)

DEFENDANTS

Wyman Charter Corp., Michael P. Wyman, Joseph Jay Shore, Cord Mitchell Shore, Carolyn Shore, Toad Hall Corp., Ian McColgin, the Motor Vessel "Sea Genie II," her engines, tackle and appurtenances, in rem, the Sailing Vessel "Granvalle," her engines, tackle and appurtenances, in rem

(IN U.S. PLAINTIFF CASES ONLY) Barnstable

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

(c) Attorney's (Firm Name, Address, and Telephone Number)
Sarah B. Herlihy, BBO #640531, Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C., One Financial Center, Boston, MA 02111; (617) 542-6000; Of Counsel: Andrew V. Buchsbaum, Friedman & James LLP, 132 Nassau Street, New York, NY 10038 (212) 233-9385

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff ☐ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☒ Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- Citizen of This State ☐ 1 ☒ DEF Incorporated or Principal Place of Business in This State ☐ 4 ☒ DEF
- Citizen of Another State ☐ 2 ☐ 2 Incorporated and Principal Place of Business in Another State ☐ 5 ☐ 5
- Citizen or Subject of a Foreign Country ☒ 3 ☐ 3 Foreign Nation ☐ 6 ☐ 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input checked="" type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 362 Personal Injury—Med. Malpractice <input type="checkbox"/> 365 Personal Injury—Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIW C/DIW W (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RS I (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes <input type="checkbox"/> 890 Other Statutory Actions
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General Habeas Corpus <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	

V. ORIGIN (PLACE AN "X" IN ONE BOX ONLY)

- ☒ Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Recopened ☐ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write brief statement of cause. Do not cite jurisdictional statutes unless diversity.)

Marine Personal Injury/Wrongful Death

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

7-20-04

SIGNATURE OF ATTORNEY OF RECORD

Sarah B. Herlihy

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

1. Title of case (name of first party on each side only) Joseph A. Kinsella, as Administrator and personal representative of the Estate of Katherine Kinsella, et al. v. Wyman Charter Corp., et al.

2. Category in which the case belongs based upon the numbered nature of suit code listed on the civil cover sheet. (See local rule 40.1(a)(1)).

- ☐ I. 160, 410, 470, R.23, REGARDLESS OF NATURE OF SUIT.
- ☐ II. 195, 368, 400, 440, 441-444, 540, 550, 555, 625, 710, 720, 730, 740, 790, 791, 820*, 830*, 840*, 850, 890, 892-894, 895, 950. *Also complete AO 120 or AO 121 for patent, trademark or copyright cases
- ☒ III. 110, 120, 130, 140, 151, 190, 210, 230, 240, 245, 290, 310, 315, 320, 330, 340, 345, 350, 355, 360, 362, 365, 370, 371, 380, 385, 450, 891.
- ☐ IV. 220, 422, 423, 430, 460, 510, 530, 610, 620, 630, 640, 650, 660, 690, 810, 861-865, 870, 871, 875, 900.
- ☐ V. 150, 152, 153.

3. Title and number, if any, of related cases. (See local rule 40.1(g)). If more than one prior related case has been filed in this district please indicate the title and number of the first filed case in this court.

4. Has a prior action between the same parties and based on the same claim ever been filed in this court?

YES ☐ NO ☒

5. Does the complaint in this case question the constitutionality of an act of congress affecting the public interest? (See 28 USC §2403)

YES ☐ NO ☒

If so, is the U.S.A. or an officer, agent or employee of the U.S. a party?

YES ☐ NO ☐

6. Is this case required to be heard and determined by a district court of three judges pursuant to title 28 USC §2284?

YES ☐ NO ☒

7. Do all of the parties in this action, excluding governmental agencies of the united states and the Commonwealth of Massachusetts ("governmental agencies"), residing in Massachusetts reside in the same division? - (See Local Rule 40.1(d)).

YES ☒ NO ☐

A. If yes, in which division do all of the non-governmental parties reside?

Eastern Division ☒ Central Division ☐ Western Division ☐

B. If no, in which division do the majority of the plaintiffs or the only parties, excluding governmental agencies, residing in Massachusetts reside?

Eastern Division ☐ Central Division ☐ Western Division ☐

8. If filing a Notice of Removal - are there any motions pending in the state court requiring the attention of this Court? (If yes, submit a separate sheet identifying the motions)

YES ☐ NO ☐

(PLEASE TYPE OR PRINT)

ATTORNEY'S NAME Sarah B. Herlihy, Esq. (BBO #640531)

ADDRESS Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C.
One Financial Center, Boston, MA 02111

TELEPHONE NO. (617) 542-6000